



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/729,984

12/05/2000

Yisroel Lefkowitz

600474-003

8696

61834

7590

09/11/2008

DREIER LLP

Susan Formicola

499 PARK AVE

NEW YORK, NY 10022

EXAMINER

ALVAREZ, RAQUEL

ART UNIT

PAPER NUMBER

3688

MAIL DATE

DELIVERY MODE

09/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/729,984	LEFKOWITZ, YISROEL	
	Examiner	Art Unit	
	Raquel Alvarez	3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-12,14-20,85,96-102,104,105 and 108 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-12,14-20,85,96-102,104,105 and 108 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to communication filed on 6/30/2008.
2. Claims 1-2, 4-12, 14-20, 85, 96-102, 104-105 and 108 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-2, 4-5, 7-12, 14, 15, 17-19, 85, 85, 96-108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (6,847,965 hereinafter Walker) in view of Business Wire "Air France Corrects and Replaces Previous Announcement", hereinafter Air France.**

Walker teaches offering to sell to a customer at least one specific item at an offering price (i.e. using input device 306, the customer remotely order a first item from a merchant)(see figure 1);

in conjunction with said offer to sell said specific first item at said offering requiring said customer to select as part of a single transaction at least one second item to be selected from a group of one or more second items, said offer to sell said second item and said offer of at least one second item being made over a computer network

Art Unit: 3688

from a single merchant (i.e. as part of the order of the first item, the customer is required to select from a plurality of complementary items that he is entitled to receive free of charge for making the purchase of the first item. The complimentary item is added to the single transaction free of charge)(Figure 3, 328 and col. 13, lines 47-54);

said merchant acknowledging said customer decision to purchase said at least one specific first item and said at least second item, the acknowledgment being made over said computer network (see figure 1);

said merchant accepting payment over said computer network from said customer for said first item (figure 15B, step 1566);

said merchant delivering the first item to said customer (figure 16A, step 1604);

said merchant advising said customer of the method of delivery of said at least second item to said customer, said method of delivery being connected to said customer engaging in the first item (i.e. the customer is delivered both ordered items at step 1604).

With respect to the first item being an international travel ticket and the second item being a duty free item. Air France teaches customer purchasing an international ticket being offered discounts for duty free items. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included in the invention of Walker international tickets and duty free items in order to motivate customer to buy international flights.

With respect to the newly amended feature that all or a portion of the concession fee normally charged to merchants for selling or delivering duty free items is not

Art Unit: 3688

charged, the price of the travel ticket, the duty free item or the combination of both is accordingly reduced or discounted and that the duty free items are delivered at or near an exit point or on board a passenger carrier for which the international travel ticket is sold. Official Notice is taken that it is old and well known for merchants and the like to negotiate an agreement with a manufacturer, host, provider of a goods and services and to pass all or some of the savings that result from said agreement to the customers. For example, Costco ® is a wholesaler corporation which buys in bulk at a discount and passes some of the savings to their members. It would have been obvious in the combination of Walker and Air France to have included the teachings of the well known business method of passing on some or all the savings negotiated to the customers in order to provide the customer with discount and hopefully increase sale. With respect to delivering the duty free items at or near an exit point, the Examiner wants to point out that delivering the duty free items near the exit is the norm at airports in order to assure that duty free merchandises are consume outside the country which sold the items. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included delivering and locating the duty free shops near an exit point as being done by major airports nowadays in order to obtain the above mentioned advantage.

5. Claims 6, 16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Air France further in view of Ong-Yeoh "Golden Boutique Set to Boost MAS Revenue", hereinafter Ong-Yeoh .

Ong-Yeoh teaches advising the customer that the duty free items will be delivered to the customer at one of an international port of departure ("pre-order business where passengers can purchase their tickets and duty free items to be delivered at the airport). It would have been obvious to one having ordinary skill in the art at the time of the invention to have advised the customer of item delivery as in Ong-Yeoh in the system of Walker since the item delivery would have been adopted for the intended use of the pre-order business of Walker at least where the ticket and item inspection verifies eligibility of the duty free item.

Response to Arguments

6. Applicant's arguments with respect to claims 1-2, 4-12, 14-20, 85, 96-102, 104-105 and 108 have been considered but are moot in view of the new ground(s) of rejection.

Point of contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on (571)272-6722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3688

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raquel Alvarez/
Primary Examiner, Art Unit 3688

Raquel Alvarez
Primary Examiner
Art Unit 3688

R.A.
9/9/2008